
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

PHILLIP KEMPER,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO.
) 1:22-CV-02689-STA-jay
CITY OF JACKSON, TENNESSEE,)
JULIAN WISER, INDIVIDUALLY)
and IN HIS OFFICIAL)
CAPACITY AS CHIEF OF POLICE)
OF JACKSON, TENNESSEE, and)
SCOTT CONGER, INDIVIDUALLY)
and IN HIS OFFICIAL)
CAPACITY AS MAYOR OF)
JACKSON, TENNESSEE,)
)
Defendants.)

DEPOSITION OF LYNN HENNING
June 15, 2023 and July 11, 2023

McCOMMON REPORTING - BRENDA J. McCOMMON, RMR
P.O. Box 10216, Jackson, Tennessee 38308
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Exhibit #4

1 MR. BURLESON: Lynn, we're going to
2 reboot.

3 THE WITNESS: Okay.

4 MR. BURLESON: We'll do it again later.

5 THE WITNESS: All right.

6 MR. BURLESON: I'll get -- I'll have
7 Carilyn get with you and we'll get all -- let me look
8 at what Clyde's asked for, and then I want to make sure
9 we get it to him.

10 THE WITNESS: Okay.

11 MR. BURLESON: I'll get with you. Okay?
12 Thank you.

13 (The deposition was adjourned and
14 continued on July 11, 2023, as follows.)

15 Q Ms. Henning, we're picking up from where we left
16 off last time. If you will, you're still under oath.

17 MR. KEENAN: Or do we need to advise her
18 again?

19 THE REPORTER: I just did.

20 MR. KEENAN: Okay.

21 Q Can you tell me what your position is with the
22 Jackson city government?

23 A Director of human resources.

24 Q How long have you been in that job now?

25 A 34 years.

1 MR. BURLESON: Wow.

2 Q Were you involved in the decision to suspend Major
3 Kemper?

4 A Yes, sir.

5 Q And can you tell me how that came about?

6 A How my involvement --

7 Q Yes, ma'am.

8 A With Major Kemper being a subject of
9 investigation, it was necessary, we felt, to protect
10 the integrity of the investigation by placing him on
11 paid administration leave.

12 Q What was the nature of the investigation?

13 A Let me see if I can recant the -- the nature of it
14 was there were charges, I guess, or there was an
15 investigation started with the PSIU Unit of the Jackson
16 Police Department. And I guess that was the start of
17 it. And then there was subsequent investigations.

18 Q What was he accused of doing?

19 A I believe it was conduct unbecoming toward other
20 employees. Using profanity. Conduct that was
21 exhibited in front of the general -- or some public
22 people, not the total general public, but there were
23 some people outside of the department who witnessed it,
24 I believe.

25 Q Who filed the complaint?

1 A The complaint was, I believe, filed by
2 investigator -- Investigator Michael Arnold.

3 Q Who made the final decision to suspend him?

4 A It was a collaborative effort, decision between
5 the chief, Major Corley -- he was, excuse me, Deputy
6 Chief Corley at that time, and myself.

7 Q Did the mayor participate in that decision?

8 A I'm not sure. I'm not really sure whether he did
9 or not.

10 Q Did he approve that decision?

11 A I believe he did.

12 Q How long were you intending to keep Major Kemper
13 off of -- off of duty?

14 A Well, at the onset, there was no definite time to
15 keep him off, nor to bring him back. There was -- it
16 was just a -- until, I guess, we could reach some
17 conclusion.

18 Q And did you reach a conclusion?

19 A I guess we have not at this point.

20 Q What are you waiting for?

21 A I'm not sure. I'm not sure. It's not my decision
22 alone. So I'm not sure.

23 Q Well, whose decision would it be then?

24 A It would be another joint -- a collaborative
25 effort, mine, the mayor, and the now Chief Corley.

1 Q Where is the money coming from to pay his salary
2 while he's suspended?

3 A From the salary line of the Jackson Police
4 Department.

5 Q Have you ever had an officer of any kind suspended
6 for this long a period of time in your history with the
7 City?

8 A Not that I -- I'm aware of.

9 Q What is Kemper's status today?

10 A He's on administrative leave with pay.

11 Q And how long do you intend for that to last?

12 A I'm -- I'm not sure. I don't have an ending date
13 at this point.

14 Q Are you familiar with the City's handbook,
15 employee handbook?

16 A Yes, sir.

17 Q Is there a specific violation that's being
18 investigated as we sit here now?

19 A I'm not sure we're still doing investigations.

20 Q Well, isn't he entitled to an administrative
21 hearing if he's going to be charged with something
22 according to the terms of the handbook?

23 A I believe you're right.

24 Q There's been obviously a significant delay in this
25 situation, has there not?

1 A There has been.

2 Q Why is that?

3 A Well, there were so many moving parts to this
4 wheel, if I may term it as that. So many different
5 pieces of the puzzle or whatever that kept coming in.
6 So I -- I'm not really certain at this point where we
7 have -- where we've landed.

8 Q Are you aware of the fact that an audit was
9 conducted at Major Kemper's request for seized money
10 that was turned over to the department?

11 A Report from the comptroller?

12 Q Yes.

13 A Yes, sir.

14 Q Has that money been recovered?

15 A I'm not aware of it.

16 Q Has there been any investigation of the captain
17 that was in charge of that money?

18 A Not by me.

19 Q Are you aware of any investigation?

20 A I'm not.

21 Q Well, this situation apparently arose because
22 Major Kemper's accused of being rude to an employee
23 that disobeyed his -- one of his orders. And at the
24 time that this investigation was being conducted, there
25 was, in fact, a substantial amount of money missing

1 from the City, was there not?

2 A I'm -- I'm really not aware of the comptroller's
3 case or findings. I am aware of the findings but not
4 the original charge. So I'm not sure.

5 Q So if I'm understanding this, the violation that
6 he's being accused of is something having to do with
7 rudeness. And there's been no investigation of the
8 party who was in charge of the money that was missing.
9 Am I correct in that?

10 A I did not conduct an investigation of that party.

11 Q Are you aware of one being conducted at all?

12 A I am somewhat aware of that.

13 Q What did it find? Do you know?

14 A I think the findings were the person was
15 suspended.

16 Q For how long?

17 A Maybe a day or so.

18 Q Who hired Amber Shaw to participate in this
19 investigation?

20 A The City of Jackson.

21 Q Whose idea was hiring Amber Shaw?

22 A It was my idea to have someone from outside of the
23 City employment to participate in this.

24 Q Did you do any kind of background check on
25 Ms. Shaw?

1 A I did not.

2 Q Do you know if anybody did a background check on
3 her?

4 A I don't know.

5 Q What were Ms. Shaw's instructions?

6 A Were to conduct an investigation of the
7 allegations against Major Kemper.

8 Q Was she entrusted with doing any investigation
9 into the officer who was in charge of the money?

10 A Not from my directions.

11 Q How much was she paid for her duties with the
12 City?

13 A Total billings?

14 Q Yes, ma'am.

15 A I may be wrong on this, but I -- seemingly I
16 remember an \$8,000 payment and maybe a \$5,000. So
17 maybe 13,000.

18 Q Did she submit a report to you?

19 A Yes, she did.

20 Q And what was the recommendations of that report?
21 Do you recall?

22 A I do recall some recommendations.

23 Q Can you tell me what you do recall?

24 A I recall that she suggested that Major Kemper
25 undergo a psychological evaluation.

1 Q Was that done?

2 A Yes, sir, it was.

3 Q What were the results of that -- that evaluation?

4 A The results were Major Kemper was, I guess for
5 lack of better terminology, found to be psychologically
6 sound.

7 Q When was that completed?

8 A Sir, I don't -- I don't readily recall the date.

9 Q If he was found to be psychologically sound, why
10 was he not returned to work?

11 A Well, I think there were a few more pieces to the
12 puzzle than just that particular thing.

13 Q In what way?

14 A There were also some -- I believe Ms. Shaw also
15 mentioned that there were some people who had
16 trepidation about him coming back to -- returning back
17 in his position.

18 Q When you "trepidation," were these people that
19 were working for him?

20 A Some -- yes. Some were working for him and some
21 were working just in the department.

22 Q Has he been charged with any kind of violation in
23 reference to that?

24 A No, I don't think so.

25 Q Do you understand in general terms what the term

1 paramilitary organization means?

2 A In general, yes.

3 Q They're generally law enforcement agencies,
4 firefighting, so forth and so on. The City is, in
5 fact -- the police department is, in fact, a
6 paramilitary organization, is it not?

7 A Yes, sir.

8 Q As we're sitting here now as I understand it, the
9 only allegation we've got against Major Kemper is he's
10 been rude to one of his subordinates. Is there
11 anything else he's accused of doing?

12 A It wasn't just one. It was more than one. But it
13 was -- I'm not sure he's being accused of this. It
14 was -- it's been mentioned that he has had angry
15 outbursts with employees.

16 Q Is that just a general rumor, or are there
17 statements to that effect?

18 A I believe there were statements to that effect.

19 Q And were those violations considered serious
20 enough to suspend him from duty?

21 A Well, the totality is to suspend him to get him
22 outside of the workplace. Our policy is to provide a
23 safe and harmonious workplace free of hostility
24 inasmuch as possible.

25 Q But the only allegation against him that has been

1 officially filed is one of him being rude to
2 Mr. Arnold. Is that what the allegation is?

3 A Well, that's not the only one. We've had -- we
4 had other statements from other employees as well.
5 But, I mean, I don't know if it rises to the point of
6 accusations, but they were made nevertheless.

7 Q What is the intention of the -- of the City as far
8 as future evaluations? Are you planning to have him
9 reevaluated?

10 A We have not discussed that.

11 Q What's going to have to be done before the
12 decision is made as to what you're going to do with
13 Major Kemper?

14 A Well, one thing is that the mayor, the chief, and
15 I, along with other parties, probably are going to have
16 to sit down and -- and discuss it.

17 Q But Major Kemper not been charged with anything,
18 has he?

19 A Other than creating a hostile working environment.

20 Q Now, he's been accused of it but not charged. He
21 has not been formally charged with any offense, has he?

22 A Well, I'm not sure.

23 Q Well, if you don't know, who would know?

24 A Well, he would. But anyway, you're asking me the
25 question.

1 Q Yes, ma'am.

2 A But seemingly, he -- he was -- he was charged.

3 But I guess that's been dealt with. So --

4 Q Are there any administrative hearings scheduled
5 for him?

6 A Not that I know of.

7 Q Are there any violations that you know of that
8 would generate an administrative hearing?

9 A If we -- if we investigate -- if we talk with all
10 the parties involved and all the people, I guess we
11 would come to some kind of conclusion at that point
12 about returning him to working his position.

13 Q Were you aware of the fact that Major Kemper was
14 relieved of his badge and gun and ID, his car, his
15 radio, all of his equipment?

16 A Yes, sir.

17 Q Who made that decision?

18 A I believe that is a decision that is standard when
19 a police officer is placed on administrative leave.

20 Q Well, that would be true if they had been charged
21 with something. But Major Kemper hasn't been charged
22 with anything, has he?

23 A Not really sure.

24 Q Well, the decision to take away his badge and gun
25 and car and radio is a pretty serious thing considering

1 he spent 19 years working on the streets of Jackson.

2 Would you not agree?

3 A I would.

4 Q I mean, the radio is his lifeline for help or
5 assistance or whatever he might need from fellow
6 officers. All of that was taken away from him, and
7 he's been charged with nothing at this point. Am I
8 correct?

9 A I'm not really sure whether you are or not.

10 Q Well, he either has been or hasn't been. I've got
11 all the files that have been turned over to me, and
12 he's not -- there's nothing in the files to indicate
13 he's been charged with anything.

14 A But I think that is a policy of the police
15 department once somebody's placed on admin leave is to
16 relieve them of their responsibilities as a police
17 officer. I believe that is correct. And so therefore,
18 that would involve removing those issue -- City-issued
19 weapon, badge, et cetera.

20 Q Was Major Kemper allowed to attend in-service
21 training this year or this past year?

22 A I don't know.

23 Q Do you know of any reason why he shouldn't have
24 been allowed to attend?

25 A Other than normally people on admin leave don't

1 have -- are not allowed back into the premises while
2 they're on the admin leave normally. So I don't know
3 specifically.

4 Q Well, in-service training is required by the state
5 POST Commission for every commissioned officer once a
6 year. Major Kemper wasn't allowed to attend. Why was
7 he not allowed to attend?

8 A That may be a police question.

9 Q Are you familiar with the state laws pertaining to
10 investigations of police officers?

11 A Not really. Somewhat but not really.

12 Q Are you aware that they exist?

13 A Yes.

14 Q Has the City complied with those requirements of
15 the Tennessee Code in terms of investigation or
16 granting of hearings and so forth with Major Kemper?

17 A Not that familiar. So I don't know.

18 Q Do you know what Major Kemper's POST certification
19 status is now?

20 A No, I do not.

21 Q Major Kemper has been removed from the City
22 organizational chart. Why was that done?

23 A It hasn't been done.

24 Q He's not on the organizational chart. He was
25 removed from it.

1 A On the City's organizational chart?

2 Q On the police department's organizational chart.

3 A Oh, I -- I don't know that -- I don't know who's
4 in charge of keeping the chart.

5 Q During the time that Major Kemper's been
6 suspended, have there been promotions within the
7 department?

8 A Perhaps.

9 Q Would he have been eligible for promotion?

10 A To what?

11 Q The next rank.

12 A Deputy chief's rank?

13 Q Um-hum. Would he be eligible?

14 A I don't know. I'm not sure.

15 Q But there have been promotions made?

16 A There have been.

17 Q To what ranks?

18 A I believe we've had some -- maybe had some
19 captains. You know, the time span is going to get me a
20 little bit on that. But we've maybe had some people
21 promoted to lieutenant, captains.

22 Q Explain to me how the pension system works for
23 Jackson employees.

24 A Okay. We're noncontributory. The City pays into
25 the retirement system a certain portion of our -- of

1 our salary. You're vested after five years. You can
2 retire with a pension with -- at age 55 with at least
3 five years of service, five years of credible service.

4 Q And how long do you have to work to get full
5 retirement?

6 A To age 60 or 55 and 25.

7 Q Do you know how much time Major Kemper has?

8 A I believe he started in 2004. So would be 19
9 years.

10 Q Are there any meetings scheduled to determine
11 Major Kemper's status that are scheduled at the moment?

12 A Not that I'm aware of.

13 Q Is the City just going to leave him suspended
14 indefinitely?

15 A Well, we -- we would -- we don't think that's a --
16 the best use of taxpayers' money, but with the totality
17 of circumstances, it's -- it's the thing to do right
18 now. But I'm not sure how long we will stay -- remain
19 in this limbo.

20 Q But he hasn't been charged with anything. You
21 testified to that. There's no ongoing investigation.
22 What's the next step?

23 MR. BURLESON: Object to form of the
24 question. She can answer.

25 Q Go ahead. What happens next?

1 A Once we -- I don't know. We might be waiting on
2 this conclusion. But we are -- I guess we have to --
3 we will have to get together and decide what the next
4 step is going -- going to be.

5 Q Jackson has a civil service -- excuse me, civil
6 service system. Is that correct?

7 A Yes, sir.

8 MR. KEENAN: Excuse me just one minute.
9 All this rain we've been having in Memphis, I've lost
10 my voice.

11 Q The civil service commission requires or civil
12 service laws require just cause to terminate an
13 employee. Is that correct?

14 A That's correct.

15 Q Can you identify any just cause that the City
16 might have at this point to discharge Major Kemper?

17 A I would not -- I would not like to preempt the
18 City on whether it will look at discharging or
19 whatever. I'd just rather wait until we get together
20 and make a decision.

21 Q Well, if he hasn't been charged with anything,
22 then he's not entitled to a civil service hearing. Do
23 you anticipate that there will be some formal charges
24 against him?

25 A Well, he's -- he's -- he's not -- you say he's not

1 been charged. He's not been harmed either.

2 Q How do you -- you'll have to explain that to me.
3 He's not been harmed. He's lost his position with the
4 department. He lost his benefits, his in-service
5 training pay, the financial value of his car, and all
6 of those sorts of things. Those are considered
7 demotions. He's had to leave town basically for his
8 own safety.

9 MR. BURLESON: Object to form of the
10 question.

11 MR. HILL: Object to form.

12 Q My point is this, he's either going to be
13 charged -- this is a two-year investigation. He's
14 going to be charged or he's not going to be charged.
15 What is going to tip the scales one way or the other?
16 Do you know?

17 A I don't.

18 Q Who is going to make the final decision about his
19 status, assuming that the Court's not making the
20 decision but administratively?

21 A Generally the chief makes the decision, I would
22 review it, and the mayor would approve it.

23 Q But you have no idea if that's scheduled to be
24 done at this point?

25 A We have not discussed that at all.

1 Q Has Major Kemper received sny kind of
2 administrative hearing of any kind at this point in
3 regards to these allegations?

4 A Not from my office.

5 Q You said you reviewed the report that Ms. Shaw
6 submitted?

7 A Yes.

8 Q Other than the psychological evaluation you
9 mentioned, did she make any other recommendations?

10 A I reviewed it. I can't recall specifically the
11 recommendations she made.

12 Q I know I asked you this before, but let me go back
13 to this question because I'm not clear about your
14 answer. Who made the decision to hire Amber Shaw?

15 A The person Amber Shaw?

16 Q Yes.

17 A I would say it was -- it was my decision to hire
18 an outside counsel or outside investigator.

19 Q Did Ms. Shaw have any investigative background at
20 all?

21 A I don't know.

22 Q Any law enforcement background at all?

23 A Don't know that either.

24 Q And you did review her report?

25 A Yes, sir.

1 Q Did you see her notations about the therapy known
2 as EMDR?

3 A I remember that.

4 Q Do you recall what her opinion of that was?

5 A Not offhand. Sorry.

6 Q Are you familiar with that therapy session or
7 therapy program?

8 A No, sir.

9 Q The captain that was involved in this, Jackie
10 Benton, was a lieutenant at the time this incident
11 first occurred. Is that correct?

12 A She may have been. I'm not sure when she received
13 her promotion.

14 Q But she was promoted after the money was found to
15 be missing. Is that correct?

16 A I'm not sure. I don't know when she received it.
17 I can't remember when she became captain.

18 Q Do you know of any plans on the part of the City
19 to investigate Jackie Benton?

20 A I don't, no.

21 Q As we sit here today, as far as you know the money
22 has not been fully accounted for. Is that correct?

23 A As far as I know, it hasn't.

24 Q Are you aware of the amount of money that was
25 found in the safe that she was involved with?

1 A I heard, yes, sir.

2 Q Do you know how much that was?

3 A Seems like it was in excess of 400,000.

4 Q And she was the only employee that had access to
5 that safe. Is that correct?

6 A I don't know, sir.

7 Q And she got promoted following that. Major Kemper
8 got relieved of duty. Am I correct?

9 A I don't know. You know, I told you I don't know
10 when she got promoted. I remember she was lieutenant.
11 She made captain. But I'm not sure about the timing of
12 it.

13 Q Well, according to the records that have been
14 provided to me, she was promoted following this
15 incident.

16 A Oh. Okay.

17 MR. KEENAN: Give me just a second. Let
18 me talk to my client for a second.

19 MR. BURLESON: Sure. Sure.

20 MR. KEENAN: Step outside just a second.

21 MR. BURLESON: Sure, Clyde.

22 (There was a period off the record.)

23 Q You mentioned earlier that it was the object of
24 one of the City's policies that there be a
25 nonthreatening work environment and so forth. Isn't it